

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

The Trustees of the Twin City  
Bricklayers Fringe Benefit Funds,

Plaintiff,

v.

ORDER

Civil No. 04-3009

Superior Waterproofing, Inc., a  
Minnesota corporation; and Raymond  
Paschke,

Defendants.

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Superior Waterproofing, Inc., a  
Minnesota corporation; and Raymond  
Paschke,

Third-Party Plaintiffs,

v.

Bricklayers and Allied Craftworkers  
Local Union No. 1 of Minnesota,

Third-Party Defendant.

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This matter is before the Court upon the Limited Remand Order of the Eighth Circuit Court of Appeals. In said Order, the Eighth Circuit remanded this matter for this Court's determination as to whether there is "no just cause for delay" in the entry of final judgment in the third party action pursuant to Fed.R.Civ.P. 54(b).

Rule 54(b) provides that a court may enter final judgment as to fewer than all claims in an action upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment. In this Court's Order dated June 23, 2005, the Court provided that judgment should be entered, but failed to include the specific language contained in Rule 54(b). The Court now finds that there is no just reason for delay as to the entry of judgment only as to the Third Party Action, and directs the Clerk of Court to enter judgment as to the Third Party Action.

Date: March 24, 2006

s / Michael J. Davis  
Michael J. Davis  
United States District Court